

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6112 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No

2. To be referred to the Reporter or not?No

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3. Whether Their Lordships wish to see the fair copy of the judgement? No

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No

5. Whether it is to be circulated to the Civil Judge?No

KHEDA MUNI. EMPLOYEES UNION

Versus

SUBHASHCHANDRA S SHELAT

Appearance:

MR YV SHAH for Petitioner

MR SANJAY M DOSHI for Respondent Nos.1 & 3.

No one appears for Respondent No.2 despite service.

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 27/02/96

ORAL JUDGEMENT

Heard learned counsel. Kheda Jilla Municipal Employees Union had raised an Industrial Dispute with regard to the revision of the pay-scales of its member employees on the basis of the recommendations of the III Pay Commission known as Desai Pay Commission as also for Dearness Allowance to be paid in accordance with the Government Rules. During the pendency of this dispute Umreth Municipal Board accepted the demand of the Kheda Jilla Municipal Employees Union which was the subject matter of the Industrial Dispute and

thereafter several proceedings have been going on between the parties for the benefits to which the employees had become entitled on account of the aforesaid acceptance by the Umreth Nagar Palika. The demand of the union had been accepted by the Nagar Palika way back on 21.2.1979, and the part-I award had been passed on 4.10.1979 and part-II award had also been passed on 7.8.1980.

Today when the matter came up for final hearing Mr.Shah learned counsel for the petitioner submitted that he seeks to press the claim to the extent of Rs.56,906/- only at this stage because the reference for further amount is pending before the Industrial Tribunal, Ahmedabad. The learned counsel for respondent Nos. 1 and 3 Mr.Doshi has submitted that the respondents would pay this amount of Rs.56,906/- to the members of the petitioner union in accordance with law within a period of two months from 1.3.1996. Mr.Shah seeks to withdraw this petition in view of the aforesaid statement made by Mr.Doshi subject to the condition that should the respondent Nos. 1 and 3 fail to make good this amount of Rs.56,906/- within a period of two months from 1.3.1996 as stated by Mr.Doshi the respondents shall have to pay the interest on this amount of Rs.56,906/- @ 12% with the expiry of the period of two months from 1.3.1996. This condition putforward by Mr.Shah is acceptable to Mr.Doshi.

Accordingly this Special Civil Application is dismissed as withdrawn with the condition that respondent Nos. 1 and 3 shall pay a sum of Rs.56,906/- to the members of the petitioner union within a period of two months from 1.3.1996 and should they fail to make good this payment within the period of two months from 1.3.1996 as aforesaid they will be liable to pay interest on the aforesaid amount to the petitioner union @ 12% p.a. from the date of the expiry of the two months period as above.

Rule is hereby discharged. No order as to costs.
